



January 18, 2008

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## HOUSE BILL No. 1232

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DIGEST OF HB 1232 (Updated January 16, 2008 5:08 pm - DI 69)

**Citations Affected:** IC 10-13; IC 20-28.

**Synopsis:** Criminal history checks. Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate.

**Effective:** January 1, 2009.

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**Hoy, Koch, Knollman**

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January 14, 2008, read first time and referred to Committee on Courts and Criminal Code.  
January 17, 2008, reported — Do Pass.

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HB 1232—LS 6951/DI 106+



January 18, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## HOUSE BILL No. 1232

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.2-2007,  
2       SECTION 147, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JANUARY 1, 2009]: Sec. 36. (a) The department may  
4       not charge a fee for responding to a request for the release of a limited  
5       criminal history record if the request is made by a nonprofit  
6       organization:

7               (1) that has been in existence for at least ten (10) years; and

8               (2) that:

9                       (A) has a primary purpose of providing an individual  
10                      relationship for a child with an adult volunteer if the request  
11                      is made as part of a background investigation of a prospective  
12                      adult volunteer for the organization;

13                     (B) is a home health agency licensed under IC 16-27-1;

14                     (C) is a community mental retardation and other  
15                      developmental disabilities center (as defined in IC 12-7-2-39);

16                     (D) is a supervised group living facility licensed under  
17                      IC 12-28-5;

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(E) is an area agency on aging designated under IC 12-10-1;  
 (F) is a community action agency (as defined in IC 12-14-23-2);  
 (G) is the owner or operator of a hospice program licensed under IC 16-25-3; or  
 (H) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the department of child services or the division of family resources if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 31-27.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution. The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

- (1) by a state agency; and
- (2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the Indiana professional licensing agency established by IC 25-1-5-3 if the request is:

- (1) made through the computer gateway that is administered by the office of technology; and
- (2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

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(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal history record if:

(1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and

(3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a child care ministry registered under IC 12-17.2-6.

**(g) The department may not charge the school of education of a public or private postsecondary educational institution a fee for responding to a request for the release of a limited criminal history record if the request is made as part of a background investigation of a student before or after the student begins the student's field or classroom experience.**

SECTION 2. IC 20-28-1-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 6.2. "Expanded criminal history check" means a criminal history background check of an individual that includes:**

**(1) a search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided for a period of seven (7) years preceding the date of the background check;**

**(2) a search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state within the seven (7) year period preceding the date of the background check; and**

**(3) a check of:**

**(A) sex offender registries in all fifty (50) states; or**

**(B) the national sex offender registry maintained by the United States Department of Justice.**

SECTION 3. IC 20-28-5-9, AS ADDED BY P.L.246-2005, SECTION 160, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 9. (a) An applicant seeking to obtain or renew a license or certificate must do the following:**

**(1) Submit a request to the Indiana central repository for limited criminal history information under IC 10-13-3.**

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~~(2)~~ (1) Obtain a copy of the ~~limited~~ **an expanded** criminal history **check** for the applicant. ~~from the repository's records.~~

~~(3)~~ (2) Submit to the department the ~~limited~~ **expanded** criminal history **check** for the applicant.

~~(4)~~ (3) Submit to the department a document verifying a disposition that does not appear on the ~~limited~~ **expanded** criminal history **check** for the applicant.

**The department may not grant a certificate or license to or renew the license or certificate of an applicant who fails to submit an expanded criminal history check for the applicant to the department. For the purposes of this subsection, the department may accept a copy of an expanded criminal history check from an applicant if the criminal history check was performed not more than one (1) year before it is provided to the department.**

(b) The department may deny the issuance **or renewal** of a license or certificate to an applicant who is convicted of an offense for which the individual's license may be revoked or suspended under this chapter.

(c) The department ~~must~~ **may not** use the information obtained under this section ~~in accordance with IC 10-13-3-29.~~ **for purposes:**

**(1) other than those that relate to the application, licensing, or renewal process; or**

**(2) that deny the applicant any civil right to which the applicant is entitled.**

(d) An applicant is responsible for all costs associated with meeting the requirements of this section.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

HOY, Chair

Committee Vote: yeas 10, nays 0.

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